

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

--

THE HONORABLE LYNN N. HUGHES, JUDGE PRESIDING

NATIONAL OILWELL VARCO LP,)	
)	
Plaintiff,)	CRIMINAL ACTION NO.
)	4:22-CV-2006
v.)	
)	
JULIO GARZA,)	
)	
Defendant,)	
)	

MOTION HEARING

OFFICIAL REPORTER'S TRANSCRIPT OF PROCEEDINGS

Houston, Texas

June 21, 2022

APPEARANCES:

For the Plaintiff:	Stuart W. Lapp, Esq.
	Bret Davis, Esq.
	Joshua Allen Redelman, Esq.
For the Defendant:	Audrey F. Momanaee, Esq.
For Array Technologies:	Rachel P. Steely, Esq.

Reported by: Mary Nancy Capetillo, CSR, RPR, TRR
Official Court Reporter
United States District Court
Southern District of Texas
mary_capetillo@txs.uscourts.gov

Proceedings reported by computerized stenotype
machine.

PROCEEDINGS

THE COURT: Good afternoon.

MR. LAPP: Good afternoon, Your Honor.

THE COURT: To the extent that afternoons here wouldn't be anybody's first choice recreationally.

All right. Who is here for Varco?

MR. LAPP: Your Honor, Stuart Lapp, L-A-P-P, for National Oilwell Varco. My co-counsel Joshua Redelman and Bret Davis.

MR. DAVIS: Good afternoon, Your Honor.

THE COURT: Is it okay if I just call it Varco?

MR. LAPP: Yes, sir, or you can call it NOV which is how they -- but whatever you prefer, Your Honor.

THE COURT: Well, there are too many initials and things, right, that have to be there. Let's just call your client Varco.

MR. LAPP: Yes, Your Honor. And, Your Honor, if we could also introduce -- we brought our two summer associates with us today, law students at University of Houston, Nicholas Boden and Victoria Lujan. They're just here to observe.

THE COURT: I would suggest that they sit in the jury box because they'll be closer, and from

1 there they just look at people -- everybody's back but
2 me.

02:19:25 3 What do you think the next step should be?

02:19:29 4 MR. LAPP: Your Honor, I think the next
5 step should be this Court extending the temporary
6 restraining order, ordering and implementing a forensic
7 protocol to allow Varco to examine forensically the
8 electronic storage devices which have been exposed to
9 NOV's information and moving forward with deliberate
10 haste towards a preliminary injunction hearing and
11 potentially toward the resolution of this case. But
12 critically important in that is getting a forensic
13 protocol in place so that we can examine the devices
14 that Mr. Garza had and potentially still has in his
15 possession that were exposed to Varco's confidential and
16 trade secret information.

02:20:37 17 THE COURT: Yes, ma'am?

02:20:40 18 MS. MOMANAEE: Yes, Your Honor. My name
19 is Audrey Momanaee. I'm here on behalf of Julio Garza.

02:20:46 20 THE COURT: Would you use the microphone,
21 please, ma'am; and pronounce your name again.

02:20:51 22 MS. MOMANAEE: Sure. Momanaee.

02:20:53 23 THE COURT: Momanaee. I'll try.

02:20:56 24 MS. MOMANAEE: I answer to pretty much
25 anything. I'll take what you give. Your Honor, we are

1 order. He later modified the order to require that
2 instead of the forensics being done in accordance with
3 that order that the actual electronic storage devices be
4 turned over to Defendant's counsel's possession. There
5 is no further order for any forensics work. So we did
6 that.

02:24:30 7 THE COURT: Can you all work out a
8 forensics order?

02:24:37 9 MS. MOMANAEE: Yes, Your Honor, I think we
10 can. We got to the point where I thought we had. Back
11 on June 10th, Your Honor, I sent a revised version of an
12 agreed protocol that we had all discussed amongst
13 ourselves and I believed to be final. Array's counsel
14 believed it to be final; and we had had discussions,
15 multiple discussions about the terms of that. They had
16 redlined it. I thought it was done. That was on June
17 10th. It was sent to counsel. Counsel said that they
18 would talk to NOV about it, and it never got returned or
19 dealt with.

02:25:08 20 Since that time, Your Honor, importantly,
21 very importantly, yesterday Varco dismissed Array from
22 the case which caused us to, in that event, realize that
23 removal was absolutely proper here; and that's why we're
24 in front of you today, because they had alleged
25 improperly but they had alleged that Array was a Texas

1 confidentiality agreement that he signed at the time
2 that he started with Varco, and part of their claims is
3 based on that document. So that's the basis --

03:24:21 4 THE COURT: Right but we don't need to
5 argue about that.

03:24:24 6 MS. MOMANAEE: Well, I think they may
7 disagree.

03:24:26 8 MR. LAPP: I mean, not this afternoon,
9 Your Honor. I think what I understand you're asking us
10 to do is come up with a proposal of --

03:24:40 11 THE COURT: I've got your proposals. I
12 want you to think about them, cool down, have some
13 orange juice and see if you can't make reasonable
14 adjustments.

03:24:59 15 MS. MOMANAEE: Yes, Your Honor.
16 Understood.

03:25:01 17 THE COURT: Thank you, Counsel.

03:25:03 18 MS. STEELY: Thank you, Your Honor, for
19 your time.

03:25:05 20 * * * * *

03:25:05 21 (Proceedings concluded)

03:25:05 22 I, certify that the foregoing is a correct
03:25:05 transcript from the record of proceedings in the above
23 matter.

03:25:05 24 June 28, 2022

03:25:05 25 /s/MaryNancyCapetillo
Signature of Court Reporter